REMARKS

Responsive to the Office Action mailed November 26, 2008, Applicants have studied the Examiner's comments and the cited art. Claims 1–11 are currently pending; after entry of this Amendment, claims 1–11 and 46–54 are pending. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

Claim Amendments

Claim 1 is amended to remove an extraneous "and." The amendment does not change the scope of the claim and is made solely for grammatical reasons.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claim 8 is rejected claim 8 under 35 U.S.C. § 112, second paragraph. Applicants have amended claim 8 to recite "the retail transaction" and respectfully request withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1–11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kumar et al., U.S. Patent Publication No. 2002/0143634 A1. Applicants respectfully traverse the rejections.

Kumar fails to recite "initiating a customer-independent transaction detail communication from a retail system to a transaction authorization system" as in Applicants' claim 1. As the Abstract of Kumar cited by the Office Action states, "A first communications link is used between the merchant and the computer approval system and a **first customer identification code given by the customer to the merchant** is transmitted over the first communications link to the computer approval system for validation thereby." (Emphasis added.) The transaction referred to by the Abstract of Kumar is further explained as including a "User Identification (User ID)" that "is a semi-private or semi-secure code provided by the customer or buyer to a third person such as a merchant." (Kumar, para. [0029].) The system proposed by Kumar validates the first customer identification code, before proceeding to request approval of the transaction via the customer's wireless device. Because the transmission includes a customer-provided identification code, which is validated as a first authorization for the transaction," the transaction of Kumar cannot be "customer-independent."

Furthermore, Kumar fails to recite "initiating a customer wireless communication from a customer-controlled wireless communication device to the transaction authorization system" as in Applicants' claim 1. Rather, the system proposed by Kumar responds to the initial sending of the User ID with by initiating a call **from** the "computer approval system" **to** "a portable wireless telephone" to obtain customer approval. (Kumar, Abstract, emphasis added.) Because the computer approval system, also known as the Wireless Payment System (WPS) proposed by Kumar initiates the call to the wireless telephone, that cannot be a communication initiated "from

a customer-controlled wireless communication device to the transaction authorization system."
Kumar fails to recite such a customer-initiated communication.

For these reasons, Applicants respectfully request withdrawal of the rejection of claim 1
and dependent claims 2-11, which depend from claim 1 and are therefore also allowable.

New Claims

New claims 46–54 have been added. Claims 46-54 are supported by the Specification as
originally filed and do not contain new matter. For the same reasons recited above, Applicants
respectfully submit that claims 46–54 are allowable.

<div align="center">

CONCLUSION

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Applicants respectfully submit that all issues and rejections have been adequately
addressed, that all claims are allowable, and that the case should be advanced to issuance.

If the Examiner has any questions or wishes to discuss the claims, Applicants encourage
the Examiner to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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Date: __February 25, 2009_____

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